IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

RP.No. 842 of 2006

AGAINST THE JUDGEMENT IN CRP.2047/1995 Dated 15/12/2005

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PETITIONERS/LEGAL HEIRS OF THE DECEASED R1 IN CRP:

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1. **MARY JOSEPH (WIFE),PULLOLIL HOUSE, KACHERI KADAVU P.O., AYYAKUNNU AMSOM, DESOM, THALASSERY,KANNUR. (SRI.PULLOLIL JOY WHO WAS THE 1ST RESPONDENT IN THE CRP DIED ON 13-02-2006. HIS LEGAL HEIRS ARE IMPLEADED AS PETITIONERS IN THE REVIEW PETITION).**

2. **DENNI JOSEPH (SON), PULLOLIL HOUSE, KACHERIKADAVU P.O.,AYYAKUNNU AMSOM DESOM, THALASSERY, KANNUR.**

3. **DAISY JOSEPH (DAUGHTER), PULLOLIL HOUSE, KACHERIKADAVU P.O.,AYYAKUNNU AMSOM DESOM, THALASSERY, KANNUR.**

4. **SAJI JOSEPH (SON), PULLOLIL HOUSE, KACHERIKADAVU P.O.,AYYAKUNNU AMSOM DESOM, THALASSERY, KANNUR.**

5. **SHYNI JOSEPH (DAUGHTER), PULLOLIL HOUSE, KACHERIKADAVU P.O.,AYYAKUNNU AMSOM DESOM, THALASSERY, KANNUR.**

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENTS: PETITIONER IN THE CRP & 2ND RESPONDENT IN THE CRP:

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1. **STATE OF KERALA.**

2. **MARIAMMA CHAKCO, WIFE OF LATE V.J.CHACKO, VATTAKKULATHOPE,CHERTHALA**

BY GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA
ADV. SRI.MATHAI M PAIKADAY(SR.) FOR R2

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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R.P.No.842 of 2006 in C.R.P.No.2047 of 1995

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Dated this the 14th day of September 2007

O R D E R

Though service is not complete in this matter, the issue involved is regarding a factual mistake appears to have been committed by the court in the light of the mistake in the civil revision petition filed by the State Government. What the court has done is to extract from the memorandum of civil revision petition and passed an order. Therefore the review petition is allowed.

REVISED ORDER

This court by order dated 15.12.2005 had remanded the matter for fresh consideration by the Taluk Land Board. The claimant therein is one Pullolil Joy. It is submitted that 6 acres of land for which certificate of purchase was obtained by Kakkattil Joseph was in his possession. Out of the 6 acres of land, it is submitted that Joy had come into possession of 2 acres of land directly by Kakkattil Joseph and therefore he has preferred the claim application. It is a matter which requires consideration.

2. Therefore, I direct the Taluk Land board to consider the case of Joy

in the light of his contentions and also consider whether Section 7E of Act 21 of 2006 or any other provisions of the amended Act will come into his rescue and pass appropriate orders in accordance with law within 4 months from today.

Review petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-